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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,082	03/08/2001	Viswanath Nanjundiah	42390P10217	8520

8791 7590 06/07/2004

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EXAMINER

KLIMACH, PAULA W

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 06/07/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/803,082

Applicant(s)

NANJUNDIAH, VISWANATH

Examiner

Paula W Klimach

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claim 1-3, 4-5, 7-9-11, 13-17, 19-23, 25-30** are rejected under 35 U.S.C. 102(e) as being anticipated by Colligan et al (6,415,031 B1).

*In reference to claims 1, 7, 13, and 19*, the system disclosed by Colligan selects one or more data packets from a data packet sequence for encryption to provide a plurality of selected packets and a plurality of unselected data packets in that the system encrypts data if the predetermined criterion is satisfied (column 10 lines 13-44). The payload is then loaded into packets therefore these data packet sequences are selected to contain the encrypted data and the payload loaded with the unencrypted data are the data packet sequences that are unselected data packets. The data packets are then sent from the remote server to the subscription station (column 7 lines 20-27).

*In reference to claims 25, 27, and 29*, Colligan discloses a method comprising: receiving a data packet sequence comprising encrypted data packets and unencrypted data packets;

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decrypting one or more of the encrypted data packets to provide decrypted information (column 10 lines 54-60); and decoding or decompressing information in one or more unencrypted data packets based upon the decrypted information (column 9 lines 35-40). The TS-PSI section that is decrypted is used to store the program specific information; therefore is used to decode information.

*In reference to claims 2, 8, 14, and 20, wherein method further comprises: detecting data packet sequence information in one or more reference data packets in the data packet sequence; and selecting the reference data packets for encryption. The reference data used by Colligan to determine the data packets for encryption is the SI (column 10 lines 20-30).*

*In reference to claims 4 and 10, 16, 22, wherein the data packet sequence comprises compressed video data (column 10 lines 10-12).*

*In reference to claims 5 and 11, 17, 23, wherein the compressed video data comprises MPEG video data (column 9 lines 51-58), and the method further comprises selecting at least data packets of I-pictures having a sequence header code for encryption (column 10 lines 30-44). The system of Colligan discloses encryption of TS payload data having PES header information for the pictures (column 9 lines 49-59 in combination with column 10 lines 30-44 in combination with column 11 lines 31-56).*

*In reference to claims 26, 28, and 30, wherein the data packet sequence comprises MPEG video data and the method further comprises: decrypting one or more of the encrypted data packets to provide I-picture data; and decoding or decompressing information in one or more of the unencrypted data packets to provide one of B-picture data and P-picture data based upon the I-picture data (column 11 lines 32-57).*

*In reference to claims 3, 9, 15, 21*, wherein the data packet sequence comprises an ordered sequence of data packets and method further comprises selecting every Nth data packet in the data packet sequence for encryption over at least a portion of the data packet sequence (column 12 lines 50-61).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 6, 12, 18, and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Colligan et al.

Although Colligan discloses selecting every Nth packet in the data packet sequence, Colligan does not disclose the Nth packet being between consecutive data packets having a sequence header code.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to restart the counter of Fig. 14 e when a new header code is detected in the system of Colligan. One of ordinary skill in the art would have been motivated to do this because the packet that is encrypted will be in the same relative position; therefore reducing the probability of violating the encoder's syntax.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Truman (20040037421 A1).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W Klimach whose telephone number is (703) 305-8421.

The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PWK  
June 1, 2004

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2135